Please type a plus sign (+) inside this box → 

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/723,264
		Filing Date	November 26, 2003
		First Name & Inventor	GRAY et al.
		Group Art Unit	TBA
		Examiner Name	TBA
Total Number of Pages in This Submission	1	Attorney Docket Number	36287-04404

## ENCLOSURES (check all that apply)

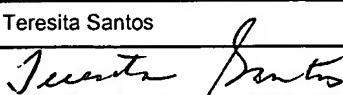
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>Information Disclosure Statement, PTO 1449 Form and copies of the cited references.</b>
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Milbank, Tweed, Hadley & McCloy LLP Chris L. Holm (Registration No. 39,227)
Signature	
Date	January 1, 2004

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name	Teresita Santos		
Signature		Date	January 1, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT  
Docket No.: 36287-04404

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s)** : GRAY, et al.

**Serial No.** : 10/723,264      **Group Art Unit** : TBA

**Filed** : November 26, 2003      **Examiner** : TBA

**For** : ***METHOD AND SYSTEM FOR TRANSFER OF EMPLOYEE STOCK OPTIONS***

**INFORMATION DISCLOSURE STATEMENT**

**Mail Stop Box No Fee**  
**COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, VA 20231-1450**

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. [ ] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. [ ] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is being incorporated in the specification of the above-identified application.
3. [ ] Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior [ ] Continuation, [ ] Divisional or [ ] Continuation-In-Part application under 37 C.F.R. §1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

4.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
- 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.
- 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits.
5.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- A check in the amount of \$240.00 is enclosed in payment of the fee.
- Charge the fee to Deposit Account No. 13-3250 Order No. 36287-04404. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7.  A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the attached petition requesting consideration of this Information Disclosure Statement; and
- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8.  A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- a.  37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw

Application From Issue;

- b. 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.
- c. The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.
9.  I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10.  A check in the amount of \$ \_\_\_\_\_ is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- Charge the fee due under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 13-3250. Order No. 36287-04404. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-3250. Order No. 36287-04404. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MILBANK, TWEED, HADLEY & McCLOY LLP

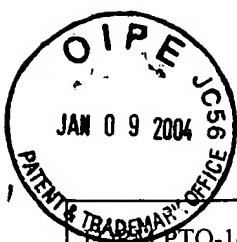


Chris L. Holm, Esq.  
Reg. No.: 39,227

January 7, 2004

Milbank, Tweed, Hadley & McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005-1413

(212) 530-5000 / (212) 530-5219 (facsimile)



 PTO-1449	<b>U. S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>	<b>ATTY. DOCKET NO.:</b> <b>36287-04404</b>	<b>SERIAL NO.:</b> <b>10/723,264</b>
<b>INFORMATION DISCLOSURE STATEMENT</b>		<b>APPLICANTS:</b> <b>GRAY, et al.</b>	
(Use several sheets if necessary)		<b>FILING DATE:</b> <b>November 26, 2003</b>	<b>GROUP ART UNIT:</b> <b>TBA</b>

## U.S. PATENT DOCUMENTS

**OTHER DOCUMENTS** (*Including Author, Title, Date, Pertinent Papers, Etc.*)

		Merrill Lynch & Co., Mandalay Resort Group, Floating Rate Convertible Senior Debentures due 2033; Offering Memorandum; 3/17/03
		Industry Issues Archive; SEC Adopts Proposals Regarding Exchanges and Alternative Trading Systems; <a href="http://www.ici.org/issues/mrkt/arc-sec/98_sec_ats_adopt.html">http://www.ici.org/issues/mrkt/arc-sec/98_sec_ats_adopt.html</a> ; 12/28/98
		Cowan, Arnold, R., Nayar, Nandkumar, Singh, Ajai K.; How high are investment banking fees? The case of standby underwritten convertible calls; 10/1999; <a href="http://www.bus.iastate.edu/arnie">http://www.bus.iastate.edu/arnie</a>
		Affiliated Managers Group, Inc.; \$200,000,000 Floating Rate High premium and Warrant Convertible Securities due 2033; Offering Memorandum; LIBC Feb. 2003



		Merrill Lynch & Co.; \$250,000,000 Affiliated Managers Group, Inc. Floating Rate Convertible Senior Debentures due 2033; Offering Memorandum; 2/19/03
		Hoadley, Peter; Options Strategy Analysis Tools; <a href="http://www.hoadley.net/options/bs.htm">http://www.hoadley.net/options/bs.htm</a>
		DerivativesStrategy; Delta Hedging Problems and Solutions; <a href="http://www.derivativesstrategy.com/magazine/archive/1998/0398coll.asp">http://www.derivativesstrategy.com/magazine/archive/1998/0398coll.asp</a>
		Hauser, James L., Journal of Compensation and Benefits; The Stock Option Repricing Dilemma; November/December 2001
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>